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8 **Attorneys for Plaintiff**
Friends of Outlet Creek

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 FRIENDS OF OUTLET CREEK

15 Plaintiff,

16 vs.

17 GRIST CREEK AGGREGATES, LLC,

18 Defendants.

Case No. 4:16-CV-00431-JSW

PLAINTIFF'S STATEMENT

Complaint Served: February 29, 2016

(Federal Water Pollution Control Act, 33
U.S.C. § 1251 *et seq.*)

PLAINTIFF'S STATEMENT

Plaintiff submits the following statement pursuant to the Court's Order Requiring Statement from Parties (Dkt. 84):

4 Plaintiff contends, and has contended, that Defendant violates the Clean Water Act (“CWA”)
5 by “discharg[ing] one or more pollutants from a point source into a Water of the United States
6 without CWA permit authorization.” Dkt. 35 at 10:6-8 (ECF pagination)(P’s & A’s ISO MSJ).
7 Defendant raised three legal defenses for summary judgment that (1) “[a] landowner does not
8 ‘discharge’ pollutants within the meaning of the Clean Water Act when it allows upstream
9 discharges to pass through its property without introducing new discharges or pollutants,” (2)
10 “Caltrans’ existing permit plainly authorizes the highway discharges complained of,” and/or (3)
11 “Defendant’s [Industrial General Stormwater Permit] expressly contemplates this scenario and
12 states that Defendant is not considered responsible for offsite discharges that flow onto its
13 property.” Dkt. 51 at 7:18-23 (ECF pagination)(P’s & A’s Opp. MSJ).

Respectfully submitted:

Dated: October 22, 2018

GREENFIRE LAW

By: /s/ Rachel S. Doughty
Rachel S. Doughty
Attorneys for Plaintiff

Dated: October 22, 2018

ATA LAW GROUP

By: /s/ Jason R. Flanders
Jason R. Flanders
Attorneys for Plaintiff

ECF ATTESTATION

I, Jason R. Flanders, hereby attest that Ms. Doughty concurs in this filing. This attestation is made pursuant to Civil Local Rule 5-1.